Intermec Technologies Corp. v. Palm, Inc. Doc. 302 Att. 3

EXHIBIT D

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated, Plaintiffs, vs. GOOGLE, INC., Defendant.	CASE NO: C05-03649 JW **HOWARD STERN'S RESPONSE TO DEFENDANT GOOGLE INC'S REQUEST FOR PRODUCTION OF DOCUMENTS (SET TWO)**

PROPOUNDING PARTY: GOOGLE, INC

RESPONDING PARTY: HOWARD STERN

Pursuant to Rule 26 and 34 of the Federal Rules of Civil Procedure, and Northern District of California Local Rule 34-1, Plaintiff Howard Stern ("Stern") responds to the Second Set of Requests for Production of Documents of Google Inc ("Google") as follows:

GENERAL OBJECTIONS

1. Stern objects to each request to the extent that is overly broad and seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence.

2. Stern objects to each request to the extent it purports to impose burdens that are greater than or different from those imposed by the Federal Rule or applicable case law.

3. Stern objects to each request to the extent it seeks information protected by any privilege, immunity, or protection from disclosure, including, without limitation, the attorney-client privilege, the work product doctrine, the investigative privilege, or the party communications privilege. Any inadvertent production of any privileged or protected information shall not be deemed or construed to constitute a waiver of any privilege or right of Stern.

4. Stern objects to each request to the extent it seeks documents that are not currently within the possession, custody or control of Stern. Without limiting the foregoing, Stern objects to each request to the extent it seeks documents in the possession, custody or control of any third party.

5. Stern objects to each request to the extent it is vague and ambiguous.

6. Stern expressly reserves the right (a) to object to the use or admissibility at trial or the settlement hearing of any discovery response; and (b) to revise, correct, add to or clarify the objections or responses set forth herein and the production made pursuant thereto.

7. Stern objects to the definition of "you" and "your" as vague, ambiguous and overbroad.

8. Stern objects to the definition of "Agreement" as overbroad, vague, ambiguous, and unsupported by the record in this litigation.

9. Stern objects to the definition of "your website" as vague, ambiguous and overbroad.

10. Stern objects to the definition "the AdWords website" as vague, ambiguous and overbroad.

11. Stern objects to the Instructions as vague, ambiguous, overbroad.

12. Stern objects to the Instructions as they seek information that is neither relevant nor reasonablely calculated to lead to the discovery of admissible evidence.

13. Stern objects to the Instructions to the extent they purport to impose burdens that are greater than or different from those imposed by the Federal Rules or applicable case law.

14. Stern objects to the Instructions to the extent they seek information protected by any privilege, immunity, or protection from disclosure, including without limitation, the attorney-client privilege, the work product doctrine, the investigative privilege, or the party communications privilege.

15. All Stern's General Objections shall be deemed applicable to each of the specific requests, even if not further referred to in the Responses and Objections to Specific Document Requests set forth below.

RESPONSES AND OBJECTIONS TO SPECIFIC DOCUMENT REQUESTS

REQUEST FOR PRODUCTION NO. 13:

All documents not previously produced that are responsive to Google's document requests served on July 17, 2006.

RESPONSE TO REQUEST NO. 13:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 14:

All documents that reflect, describe, relate to, or constitute the Agreement.

RESPONSE TO REQUEST NO. 14.:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 15:

All documents constituting correspondence or communications between you and Google relating to advertising.

RESPONSE TO REQUEST NO. 15:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 16:

All documents constituting correspondence or communications between you and entities or individuals other than Google relating to advertising with Google or AdWords.

RESPONSE TO REQUEST NO 16.:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 17:

All documents constituting correspondence or communications between you and entities or individuals other than Google relating to online and/or offline advertising.

RESPONSE TO REQUEST NO. 17:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 18:

All documents constituting or reflecting your internal budgets, financial plans or strategies regarding online and/or offline advertising.

RESPONSE TO REQUEST NO. 18:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 19:

All documents constituting or reflecting your internal accounting records, ledgers, invoices, bill and/or statements, for any and all AdWords services.

RESPONSE TO REQUEST NO. 19:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 20:

All documents referring or relating to online and/or offline advertising you have purchased from any individual or entity other than Google.

RESPONSE TO REQUEST NO. 20:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 21:

All documents constituting or reflecting your internal accounting records, ledgers, invoices, bills and/or statements, for any and all online and/or offline advertising services purchased or otherwise received from entities or individuals other than Google.

RESPONSE TO REQUEST NO. 21:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 22:

All documents constituting, referencing, discussing, or reflecting the AdWords website.

RESPONSE TO REQUEST NO. 22:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 23:

All documents evidencing any and all times you visited the AdWords website.

RESPONSE TO REQUEST NO. 23:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 24:

All documents constituting or reflecting AdWords advertisements and/or promotional materials.

RESPONSE TO REQUEST NO. 24:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 25:

All documents constituting or reflecting advertisements and/or promotional materials for online and/or offline advertising services provided by entities or individuals other than Google.

RESPONSE TO REQUEST NO. 25:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 26:

All documents constituting or reflecting AdWords Terms and Conditions in effect at any point in time.

RESPONSE TO REQUEST NO. 26:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 27:

All documents constituting, referring, or relating to AdWords FAQs in effect at any point in time.

RESPONSE TO REQUEST NO. 27:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 28:

All documents constituting, referring, or reflecting AdWords training or tutorial materials, whether received from Google and/or any entity or individual other than Google.

RESPONSE TO REQUEST NO. 28:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 29:

All documents constituting, referring, or relating to AdWords training which you received from Google and/or entity or individual other than Google.

RESPONSE TO REQUEST NO. 29:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 30:

All documents relating to your understanding of the term "Daily Budget" as used in connection with Google AdWords.

RESPONSE TO REQUEST NO. 30:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 31:

All documents referring or relating to the term "Daily Budget" used in connection with Google AdWords.

RESPONSE TO REQUEST NO. 31:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 32:

All documents upon which you based any decision to purchase advertising from Google

RESPONSE TO REQUEST NO. 32:.

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 33:

All bank and credit card statements, and other documents reflecting charges and credits from Google, not previously produced in this action.

RESPONSE TO REQUEST NO. 33:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 34:

All documents reflecting, describing, evidencing or relating to each of your decisions, if any, to pause and/or unpause any of your AdWords campaigns.

RESPONSE TO REQUEST NO. 34:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 35:

All documents referring or relating to each of your decisions, if any, to delete and/or undelete any of your AdWords campaigns.

RESPONSE TO REQUEST NO. 35:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 36:

All documents referring or relating to each of your decisions, if any, to cancel advertising purchased from Google.

RESPONSE TO REQUEST NO. 36:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 37:

All documents referring or relating to Ad Scheduling.

RESPONSE TO REQUEST NO. 37:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 38:

All documents referring or relating to AdWords campaigns for your website.

RESPONSE TO REQUEST NO. 38:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 39:

All documents constituting correspondence or communications between you and Google relating to advertising.

RESPONSE TO REQUEST NO. 39:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 40:

All documents constituting correspondence or communications between you and entities or individuals other than Google relating to online and/or offline advertising.

RESPONSE TO REQUEST NO. 40:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 41:

All documents constituting correspondence or communications between you and Google relating to payments for advertising.

RESPONSE TO REQUEST NO. 41:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 42:

All documents constituting correspondence or communications between you and entities or individuals other than Google relating to payments for online and/or offline advertising.

RESPONSE TO REQUEST NO. 42:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 43:

All documents constituting correspondence or communications regarding Google.

RESPONSE TO REQUEST NO. 43:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 44:

All documents constituting correspondence or communications regarding AdWords.

RESPONSE TO REQUEST NO. 44:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 45:

For each purchase made by customers on your website, all documents sufficient to show the date and time of the purchase, and the amount of the purchase.

RESPONSE TO REQUEST NO. 45:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 46:

All documents which show traffic (visitors, unique visitors, purchases, etc.) on your website, whether generated by you or a third party.

RESPONSE TO REQUEST NO. 46:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 47:

All documents referring or relating to statistics, volume, purchase reports or other information regarding visitors and unique visitors to your website, whether generated by you or a third party.

RESPONSE TO REQUEST NO. 47:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 48:

All documents referring or relating to website analytics for your website, whether generated by you or a third party.

RESPONSE TO REQUEST NO. 48:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 49:

All documents constituting communications between you and any entity or individual responsible for tracking, analyzing or monitoring visitors to your website and/or purchases made on your website.

RESPONSE TO REQUEST NO. 49:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 50:

For each product and/or service you currently sell and/or have sold at any time, all documents referring or relating to and/or tracking purchases and sales of those products and/or services, including but not limited to, purchase reports, sales volume reports, or sales volume estimates, on a daily, weekly, monthly, quarterly and/or annual basis.

RESPONSE TO REQUEST NO. 50:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 51:

For each product and/or service you currently sell and/or have sold at any time, all documents constituting customer orders for purchase of the product sufficient to show the date the product and/or service was purchased, the amount of the purchase and the products and/or services purchased.

RESPONSE TO REQUEST NO. 51:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 52:

All documents referring or relating to your sales volume.

RESPONSE TO REQUEST NO. 52:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 53:

All documents referring or relating to demand for each product and/or service you currently sell and/or have sold at any time.

RESPONSE TO REQUEST NO. 53:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 54:

All documents referring or relating to your fulfillment of purchase orders.

RESPONSE TO REQUEST NO. 54:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 55:

All documents constituting or relating to communications between you and your customers regarding your inability to deliver or provide product(s) and/or services your customers purchased.

RESPONSE TO REQUEST NO. 55:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 56:

All documents referring or relating to your inability to fulfill orders from your customers.

RESPONSE TO REQUEST NO. 56:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 57:

All documents referring or relating to your inventory.

RESPONSE TO REQUEST NO. 57:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 58:

All documents constituting shipping or delivery records for products and/or services delivered to customers who placed orders through your website.

RESPONSE TO REQUEST NO. 58:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 59:

All documents constituting shipping or delivery records for products and/or services delivered to customers who placed orders through means other than your website, including but not limited to, via mail, telephone and/or in person.

RESPONSE TO REQUEST NO. 59:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 60:

All documents constituting or reflecting every advertisement you have purchased and/or placed, including online advertising and offline advertising.

RESPONSE TO REQUEST NO. 60:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 61:

All documents constituting or relating to communications between you and your customers regarding reasons for their purchases.

RESPONSE TO REQUEST NO. 61:

Stern incorporates by reference his General Objections. Subject to and without waiving its General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 62:

All documents constituting or relating to surveys and/or questionnaires (including but not limited to the surveys and/or questionnaires and/or any responses thereto) you sent to your customers regarding reasons for their purchases.

RESPONSE TO REQUEST NO. 62:

Stern incorporates by reference his General Objections. Subject to and without waiving its General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 63:

All documents constituting or relating to communications between you and your customers regarding how they were directed to your website.

RESPONSE TO REQUEST NO. 63:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 64:

All documents constituting surveys and/or questionnaires (including but not limited to the surveys and/or questionnaires and/or any responses thereto) you sent to your customers regarding how they were directed to your website.

RESPONSE TO REQUEST NO. 64:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 65:

All documents relating to hosting, managing or otherwise maintaining your website.

RESPONSE TO REQUEST NO. 65:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 66:

All documents constituting correspondence or communications with entities or individuals responsible for hosting, managing or otherwise maintaining your website.

RESPONSE TO REQUEST NO. 66:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 67:

All documents constituting correspondence or communications with entities or individuals responsible for purchasing advertising on your behalf.

RESPONSE TO REQUEST NO. 67:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 68:

All documents upon which you rely in support of your claim that you sustained damages or other injury as a result of the conduct of Google as alleged by you in this action.

RESPONSE TO REQUEST NO. 68:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 69:

All documents relating to damages or other injury you claim to have sustained as a result of the conduct of Google as alleged by you in this action.

RESPONSE TO REQUEST NO. 69:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUEST FOR PRODUCTION NO. 70:

All documents referring to, relating to, or constituting ledgers, spreadsheets, software, accounting tools or other records you use to track revenue from advertising placed using Google.

RESPONSE TO REQUEST NO. 70:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 71:

All documents referring to, relating to, or constituting ledgers, spreadsheets, software, accounting tools or other records you use to track revenue from online and/or offline advertising placed using entities or individuals other than Google.

RESPONSE TO REQUEST NO. 71:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 72:

All documents referring to, relating to or constituting ledgers, spreadsheets, software, accounting tools or other records you use to track customer order fulfillment.

RESPONSE TO REQUEST NO. 72:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern states he has no responsive documents.

REQUEST FOR PRODUCTION NO. 73:

All documents referring to or constituting ledgers, spreadsheets, software, accounting tools or other records you use to determine: (1) whether to pause and/or unpause Ad Campaigns and/or Ad Groups; (2) whether to delete and/or undelete Ad Campaigns or Ad Group, and (3) whether to use Ad Scheduling.

RESPONSE TO REQUEST NO. 73:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

REQUESTS FOR PRODUCTION NO. 74:

All documents constituting your profit and loss statements, balance sheets, and financial summaries.

RESPONSE TO REQUEST NO. 74:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 75:

All documents, referring or relating to other actions in which you or any officer, director or shareholder have been a party.

RESPONSE TO REQUEST NO. 75:

Stern incorporates by reference his General Objections. Stern objects to this request as vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification and narrowing the scope of this request.

REQUEST FOR PRODUCTION NO. 76:

All documents upon which you rely in support of your claim that you have standing to sue under Bus & Prof. Code §§ 17200 and 17500 as a person who has "suffered injury in fact and....lost money or property" as a result of the conduct of Google.

RESPONSE TO REQUEST NO. 76:

Stern incorporates by reference his General Objections. Subject to and without waiving his General Objections, Stern will produce non-privileged documents, if any, responsive to this request and not already produced.

Dated: August 25, 2008

LESTER L. LEVY (*Admitted Pro Hac Vice*)
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated, Plaintiffs, vs. GOOGLE, INC., Defendant.	Case No. C 05-03649 JW The Hon. James W. Ware Hon. Patricia V. Trumbull United States Magistrate Judge Courtroom 5

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of August, 2008, a copy of the following:

- CLRB HANSON INDUSTRIES LLC'S RESPONSE TO DEFENDANT GOOGLE INC'S REQUEST FOR PRODUCTION OF DOCUMENTS (SET TWO)
- HOWARD STERN'S RESPONSE TO DEFENDANT GOOGLE INC'S REQUEST FOR PRODUCTION OF DOCUMENTS (SET TWO)

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Dated: August 25, 2008

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by: /s/ Daniel J. Shih

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